

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

The use claims have been amended to a method of treatment claims, containing an actual active step to overcome the informality rejections by the Office. Support for these amendments can be found *inter alia* on page 23, lines 14 and 15 in combination with the paragraph bridging pages 7 and 8.

Claims 2, 6, 10, 11 and 13-18 are canceled without prejudice.

As indicated by the office, O'Callaghan et al. teach infant formula comprising whey protein hydrolysate. According to the office these infant formulas are used to provide feeling of satiety, to control body weight and/or caloric intake and to help adherence to a dietary plan. Even if it were assumed that this can be considered correct, the Office points to no teaching by O'Callaghan et al. of uses for reducing food intake such as to treat obesity and/or being overweight in an infant. Rather, O'Callaghan et al. concerns 'normal' infant formulas which are intended for feeding normal, i.e., healthy, infants. Therefore, it is respectfully requested that the rejection be withdrawn.

As indicated by the Office, Boza et al. teach a method of administering to a mammal a nutritional composition which includes whey protein hydrolysate. The teachings of Boza et al., however, concern treatment of 'persons in stress', athletes and pre-term infants having glutamine deficiency. The Office points to no teaching of obesity or being overweight as a cause nor a consequence of glutamine deficiency. Therefore, it is respectfully requested that the rejection based on Boza et al. be withdrawn.

Reimer et al. teach the use of whey protein hydrolysates for the treatment of diabetes. The Office has acknowledged in the action that Reimer et al. do not teach that the whey protein hydrolysate induces an enhanced feeling of satiety or improved perception of body image. Thus, Reimer et al. cannot be considered to provide an incentive for the skilled artisan to use the compositions disclosed as a method of treating or preventing obesity or being overweight. Therefore, it is respectfully requested that the rejection be withdrawn.

In order to expedite prosecution of this application, applicants are amenable to filing a terminal disclaimer upon indication of allowable subject matter.

In view of the foregoing, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,



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